

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

JOSHUA THOMAS CHAPMAN,

Plaintiff,

v.

CIVIL ACTION NO. 1:13-06083

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on September 3, 2013, in which he recommended that the court grant defendant's motion to remand and remand the case to the Commissioner pursuant to the sixth sentence of 42 U.S.C. § 405(g) for further proceedings as outlined in defendant's motion.

In accordance with the provisions of 28 U.S.C. § 636(b), plaintiff was allotted fourteen days and three mailing days in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party filed any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day

period. Accordingly, the court adopts the Findings and Recommendation of Magistrate Judge VanDervort as follows:

1. Defendant's motion to remand is **GRANTED**;
2. The case is **REMANDED** to the Commissioner pursuant to the sixth sentence of 42 U.S.C. § 405(g) for further proceedings; and
3. For statistical purposes, the Clerk is directed to remove the case from the court's active docket. Once defendant files an answer or other responsive pleading, the Clerk is directed to place the case on the court's active docket.

The Clerk is further directed to forward certified copies to counsel of record.

IT IS SO ORDERED this 8th day of January, 2014.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge